

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/738,719	GRABER ET AL.	
	Examiner	Art Unit	
	Michael R. Shannon	2614	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amendment filed on 9/19/2005.
2.  The allowed claim(s) is/are 1-3,5-26 and 31-35.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## DETAILED ACTION

### ***Allowable Subject Matter***

1. Claims 1-35 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Independent claims 1, 31, and 32 claim the "fail-safe video subsystem" and its functionality. While many fail-safe systems are known to exist in the art of video delivery, by way of example. The Takamori patent (USPN 5,287,186), the Chang patent (USP 6,791,601), the Reese patent (USP 5,583,796), and the Budow patent (USP 5,625,864), none of the more pertinent prior art disclose the ability to "input fail-safe analog video signals from a plurality of alternative video sources, respectively, wherein the alternative video sources are not in the first plurality of video sources". The **ability to direct alternative video streams** to the client device on a power failure or other type failure of the server is not taught in the prior art. The prior art teachings include a "backup" or copy of the video that is sent through other means of delivery upon a power failure or other failure of the server, thereby providing the user with the same video image transmitted through different delivery means. Claim 1 clearly states that the input fail-safe analog video signals come from a plurality of alternative video sources and are provided to the output ports in the absence of power to the fail-safe video subsystem. Claim 31 clearly states that the fail-safe analog video signal is from a source not in the plurality of video sources and that it is output in the absence of power. Claim 32 clearly states the difference between the "fail-safe analog video signal" and the "video data output from the at least one terminal controller", the former being provided to the output

in the absence of power at the relay circuit. All of the dependent claims provide further details of the system, and are therefore also indicated as allowable over the prior art.

The Takamori reference discloses a video switching apparatus with a back-up system. The system comprises a main switching unit and a back-up switching unit, both of which output the same video signal. Upon failure of one of the switching units, the output can be taken from the other switching unit. Takamori clearly discloses that this fail-safe type system is used for back-up video signals and not different video signals. Furthermore, Takamori only allows for the output of one video signal at a time. This method and apparatus for providing a back-up copy of video is very different from the claimed method and apparatus.

The Chang reference discloses another fail-safe system as disclosed in Figure 5 and column 6, lines 10-60. The fail-safe of this invention is yet again, a way to provide back-up video signals so that there is no appreciable interruption in the display of the live video in the event of an inadvertent loss of power to the DCS. Again, Chang only allows for the output of one video signal at a time. This method and apparatus for providing a back-up copy of video is very different from the claimed method and apparatus.

The Reese reference discloses a similar system in which a back-up controller can switch the video through to the receiver in the case of a failure of the main switching unit [Abstract].

The Budow reference discloses a backup analog system for augmenting the programming selection capabilities of the invention, so as to provide video signals from the backup system even when the video server fails [col. 4, lines 41-43].

All of these methods and apparatuses are inferior to the ability to provide multiple copies of different video signals to the viewer upon power failure at the server (as is taught by the current claims).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

### **Any response to this action should be mailed to:**

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

United States Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

**Or faxed to: (571) 273-8300**

**Hand-delivered responses should be brought to:**

Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon

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Art Unit: 2614

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Examiner  
Art Unit 2614

Michael R Shannon  
November 29, 2005



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600